

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID B. KINNEY,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 2025-cv-004014
)	
LIFE TIME, INC., LIFE TIME FITNESS,)	
INC., LTF REAL ESTATE CMBS II,)	
LLC, LTF CLUB OPERATIONS)	
COMPANY, LLC, and LIFE TIME)	
DIGITAL, LLC,)	
)	
Defendants.)	

**PLAINTIFF’S ANSWERS TO DEFENDANT LIFE TIME FITNESS, INC’S
REQUEST FOR ADMISSIONS TO PLAINTIFF**

Plaintiff DAVID KINNEY, by and through its attorneys of record, ELMAN JOSEPH LAW GROUP LLC, states as follows for its answer to Defendant LIFE TIME FITNESS, INC’s requests for admission pursuant to Rules 26 & 36 of the FRCP, states as follows:

1. Admit that You signed an agreement with Life Time when you joined, on or about February 12, 2023.

ANSWER: Admit.

2. Admit that You received a copy of the Member Usage Agreement (“MUA”) attached hereto as Exhibit 1 to these Requests to Admit, when you joined Life Time.

ANSWER: Deny because I do not recall receiving a copy when I joined Life Time.

3. Admit that You were offered a copy of the MUA, attached hereto as Exhibit 1 to these requests to Admit, when you joined Life Time.

ANSWER: Deny because I do not recall being offered a copy when I joined Life Time.

4. Admit that a copy of the MUA was available to you online through a Life Time internet application or website while you were a member at Life Time.

ANSWER: Deny as I am unaware that a copy of the MUA was available through any online

platform.

5. Admit that you had the opportunity to review the MUA before you signed it.

ANSWER: Admit.

6. Admit that your signature appears on page 5 of the MUA. See Exhibit 1.

ANSWER: Admit.

7. Admit that in signing the MUA, You agreed to the terms and conditions stated therein, including the assumption of risk and waiver of liability provisions.

ANSWER: Deny.

8. Admit that the MUA was in effect on May 3, 2023.

ANSWER: Deny.

9. Admit that You have paid, or caused to be paid, dues for Your Life Time membership from February 2023 through May 2023.

ANSWER: Admit.

10. Admit that You do not know the identity of the person who applied or handled any hazardous toxic chemical referenced in Your Complaint.

ANSWER: Admit.

11. Admit that You do not know the name of the chemical that You claim caused Your alleged injuries.

ANSWER: Admit.

12. Admit that You do not know the amount or concentration of the chemical allegedly used at the time of the occurrence.

ANSWER: Admit.

13. Admit that You did not see any employee apply hazardous toxic chemicals to the pool area on May 3, 2023.

ANSWER: Admit.

14. Admit that You did not speak with Life Time employee about the alleged hazardous

toxic chemical exposure on May 3, 2023.

ANSWER: Deny.

15. Admit that You were not told by any Life Time employee that hazardous toxic chemicals had been recently used in the indoor swimming pool area.

ANSWER: Deny in so far as I was aware that chemicals are used by employees for the pool's maintenance.

16. Admit that You did not seek medical treatment at the Premises on May 3, 2023.

ANSWER: Deny.

CERTIFICATION FOR ANSWERS TO REQUEST TO ADMIT

Under penalties as provided by law pursuant to Rules 26 and 36 of the FRCP, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

X  18, 2025 10:53 CDT

DAVID KINNEY

18/07/2025

DATE

#6208809

ELMAN JOSEPH LAW GROUP, LLC

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David Kinny - answer to def's RTA signature

Final Audit Report

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